

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

WP(C).No. 24475 of 2004(L)

PETITIONER:

**V.M.MOHAMMED ISMAIL, AGED 65 YEARS,
S/O. LATE MUSAVANNAN RAWTHER,
RETIRED SUBJ JUDGE, VALIYAKANNAM, KANJIRAPPALLY.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

**1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, FOREST DEPARTMENT,
TRIVANDRUM.**

2. WILD LIFE WARDEN, IDUKKI.

BY GOVERNMENT PLEADER – ADV. SMT.N.SUDHA DEVI

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1 COPY OF THE NAHAZAR DATED 13/06/2004.**
- EXT.P2 COPY OF THE STATEMENT OF THE LORRY DRIVER DATED NIL.**
- EXT.P3 COPY OF THE RECEIPT ISSUED BY THE SUB INSPECTOR OF
POLICE, KANJIRAPPALLY DATED 16/06/2004.**
- EXT.P4 COPY OF THE JUDGMENT DATED 19/07/2004 PASSED BY THIS
HONOURABLE COURT IN WP(C) NO.19669 OF 2004.**
- EXT.P5 COPY OF THE SHOW CAUSE NOTICE NO.A.1048/04 DATED
03/08/2004 ISSUED BY THE 2ND RESPONDENT.**
- Ext.P6 COPY OF THE ORDER 1048/04 DATED 30/11/2006 OF THE
AUTHORIZED OFFICER AND WILDLIFE WARDEN, IDUKKI.**
- EXT.P7 COPY OF THE PETITION DATED 27/09/2006 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.**

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, JUDGE

WP(C) No. 24475 of 2004

Dated this the 5th day of January, 2007

J U D G M E N T

The petitioner's truck bearing Reg. No. KL-5/F-7051, was seized for forest offence. Even though, the case was firstly taken under the Wild Life Protection Act, later confiscation proceedings were initiated under Sec. 61 A of the Forest Act and the vehicle is confiscated. The petitioner was given possession of the vehicle by the Judicial Magistrate. Since the confiscation order is already issued, the petitioner apprehends seizure of the vehicle and hence this writ petition is filed. A statutory appeal is also filed against the confiscation order before the District Court. In lieu of the surrender of vehicle, which is a 2000 model one, I direct the 2nd respondent to allow use of vehicle by the petitioner on his furnishing bank guarantee for Rs. 2 lakhs before the adjudicating officer, within a period of 10 days from receipt of this judgment. The bank guarantee shall be for a period of one year. There will be a direction to the District Judge concerned to dispose of the appeal within six months from now.

C.N.RAMACHANDRAN NAIR, JUDGE.